

REMARKS

Claims 1-11 and 13-17 are pending in this application. Claims 6, 8, 9, 14 and 15 are presently withdrawn from consideration. By this Amendment, claim 1 is amended to further distinguish from the cited references. Claims 2-11 and 13-17 are amended for antecedence. Claim 12 is canceled. No new matter is added.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of claims 1-11 and 13-17 are respectfully requested.

Interview

The courtesies extended to Applicant's representative by Examiners Anderson and Welch at the interview held March 23, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

35 U.S.C. §112, Second Paragraph Rejection

Claim 12 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

Claim 12 is canceled, rendering the rejection moot.

Withdrawal of the rejection is respectfully requested.

35 U.S.C. §102(b) Rejection

Claims 1-3, 7, 10-13, 16 and 17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by March (U.S. Patent No. 5,661,854). Applicant respectfully traverses this rejection.

Amended claim 1 requires, among other features, that the joining means be directly attached to adjacent shell segments. March does not describe at least this feature of claim 1, as agreed during the interview.

March describes a flexible helmet assembly comprising an outer layer of impact resistant segments 11-17 that overlay an inner layer of impact resistant structures 18-24 that are connected by flexible elastic panels 26-32. See the Abstract of March. However, each of the elastic panels 26-32 of March contacts only a single one of the impact resistant segments 11-17. See Figs. 5 and 6 of March.

Thus, March does not describe that the joining means are directly attached to adjacent shell segments.

For at least the above reasons, March does not anticipate claim 1. Claims 2-3, 7, 10-13, 16 and 17 depend from claim 1. For at least their respective dependency, and for the additional features recited, March also does not anticipate claims 2-3, 7, 10-13, 16 and 17.

Withdrawal of the rejection is respectfully requested.

35 U.S.C. §103(a) Rejections

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over March in view of Howard (U.S. Patent No. 3,087,166). Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over March in view of Howard and further in view of Shifrin (U.S. Patent No. 5,515,546). Applicant respectfully traverses each of these rejections.

Howard is relied upon as allegedly describing the headband adjustment means fixedly secured at least to the occipital segment, as recited in claim 4. Shifrin is relied upon as allegedly describing adjustment means comprising a lace joining the shell segments to one another and cooperating with a knurled knob actuating tightening and loosening of the helmet, as recited in claim 5.

However, neither Howard nor Shifrin describe, or provide any reason or rationale for one of ordinary skill in the art to have come to, joining means that are directly attached to adjacent shell segments, as recited in claim 1. Thus, Howard and Shifrin do not remedy the

deficiencies of March, and the combination of March, Howard and Shifrin would not have rendered obvious claim 1.

Claims 4 and 5 depend from claim 1. For at least their respective dependency, and for the additional features recited, March, Howard and Shifrin, alone or in combination, also would not have rendered obvious claims 4 and 5.

Withdrawal of the rejections is respectfully requested.

Rejoinder

Applicant respectfully requests rejoinder of claims 6, 8, 9, 14 and 15 upon allowance of claims 1-5, 7, 10-11, 13 and 16-17.

Concluding Remarks

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 and 13-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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